

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.
and HONEYWELL INTELLECTUAL
PROPERTIES INC.,

Plaintiffs,

V.

APPLE COMPUTER, INC., et al.,

Defendants.

C.A. No. 04-1338- JJF
(Consolidated)

ORDER

WHEREAS, by Order dated May 16, 2008, this Special Master was appointed to work up to 20 hours to address the parties' contentions and determine whether any or all of the stayed defendants should be dismissed and, if so, under what terms and conditions, and to issue a Report and Recommendation with respect to same not later than August 11, 2008;

WHEREAS, for reasons evident in a Report and Recommendation issued contemporaneously herewith, the Special Master has not been able to conclude his responsibilities regarding this issue within the hours constraints nor within the deadline established by the Court;

WHEREAS, the Special Master has previously advised the Court of same in an oral *ex parte* communication on August 1, 2008;

WHEREAS, by oral Order dated August 1, 2008 the Special Master’s Order of reference was expanded to “devise a plan for the restructuring of the Honeywell cases which may include deconsolidation and/or reconsolidation of these actions. This case is referred to the Special Master for all matters through and including Summary Judgment”;

WHEREAS, the Special Master concludes that it is critically important for the

management of this case going forward to permit the so called Customer Defendants to file their respective Motions to Dismiss consistent with the schedule established by the Report and Recommendation;

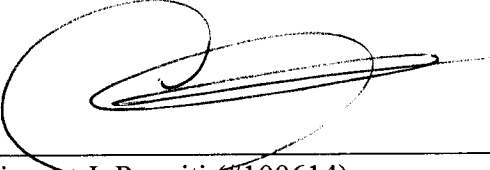
WHEREAS, consistent with this approach the Special Master believes that the time within which a party may pursuant to F.R.C.P. 53(g)(2) file objections to – or a motion to adopt or modify – the Special Master’s Report and Recommendation should be shortened;

WHEREAS, consistent with this approach the Special Master believes that any briefing to the Court on a F.R.C.P. 53(g)(2) application should be expedited and page limited;

NOW THEREFORE, IT IS HEREBY RECOMMENDED THAT THE COURT:

1. Reduce the time permitted by F.R.C.P. 53(g)(2) from no later than 20 days from this date, to no later that 5 days from this date.
2. The initial letter brief in support of F.R.C.P. 53(g)(2) application should not exceed 5 pages, single-spaced. Opposition letter briefs shall be served not later than 4 days following service of the application and shall not exceed 5 pages, single-spaced. Reply letter briefs shall be served not later than 3 days following service of the opposition brief and shall not exceed 3 pages, single-spaced.

ENTERED this
13 day of August, 2008



Vincent J. Poppiti (#100614)
Special Master

SO ORDERED this ____ day of _____, 2008.

United States District Court Judge